

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gust H. Bardy et al.

Confirmation No.: 2599

Serial No.: 09/940,599

Examiner: J. Jastrzab

Filing Date: August 27, 2001

Group Art Unit: 3762

Docket No.: 1201.1114101

Customer No.: 28075

For: CANISTER DESIGNS FOR IMPLANTABLE CARDIOVERTER-DEFIBRILLATORS

FAX RECEIVED

OCT 26 2004

OFFICE OF PETITIONS

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.313(c)(1) TO WITHDRAW APPLICATION
FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office
at 703-872-9306 on the date shown below.

Kathleen L. Boekley

Type or print name of person signing certification

Kathleen L. Boekley

Signature

October 26, 2004

Date

Dear Sir:

Applicants hereby petition for the withdrawal of the above-referenced application from issue under 37 C.F.R. § 1.313(c)(1). The issue fee for this application was paid on September 30, 2004. Applicant has not yet been notified when this application is scheduled to issue.

Claims 83-90 and 92-123 were allowed in this case. However, the subject matter included in allowed claims 104-122 is not supported by the disclosure of the present application. Therefore, claims 104-122 fail to comply with the written description requirement under 35 U.S.C. §112, first paragraph, and as such, are not patentable in the context of the present application.

A new amendment is being filed herewith, canceling claims 104-122. The remaining claims (83-90, and 92-103) are patentable as indicated during examination. As such,

10/28/2004 AKELLEY 00000001 500413 09940599

01 FC:1460

130.00 DA

Appl. No. 09/940,599

Pet. To Withdraw from Issue dated October 26, 2004

Applicants respectfully request that the application be issued with remaining claims 83-90 and 92-103.

Please charge the petition fee under 37 C.F.R. § 1.17(h) of \$130.00 to Deposit Account No. 50-0413.

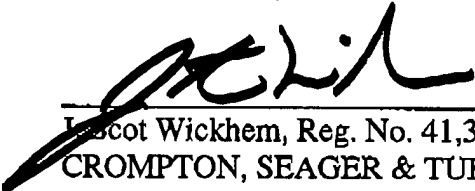
Applicants thank Petitions Examiner Sherry D. Brinkley for the time taken to discuss this petition with Applicants' representative. If a phone conference is believed necessary to resolve any outstanding issues with respect to the above discussion, the Examiner is respectfully requested to contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

Gust H. Bardy et al.

By their Attorney,

Dated:

October 26, 2004
Scot Wickhem, Reg. No. 41,376

CROMPTON, SEAGER & TUFTE, LLC

1221 Nicollet Avenue, Suite 800

Minneapolis, Minnesota 55403-2420

Telephone: (612) 677-9050

Facsimile: (612) 359-9349

Attachment: Amendment

CROMPTON | SEAGER | TUFTE | LLC

Patent, Trademark & Copyright Attorneys

1221 Nicoller Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Phone 612.677.9050
Fax 612.359.9349

FAX RECEIVED**OCT 26 2004****OFFICE OF PETITIONS****FAX TRANSMISSION**

DATE: October 26, 2004

TO: Commissioner for Patents
Attn: Sherry D. Brinkley, Petitions Examiner
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: J. Scot Wickhem

OUR REF: 1201.1114101
TELEPHONE: 612-677-9050

Total pages, including cover letter: 9

PTO FAX NUMBER: [REDACTED] 571-273-0025


If you do NOT receive all of the pages, please telephone us at (612) 677-9050, or fax us at (612) 359-9349.

Title of Document(s) Transmitted: PETITION UNDER 37 C.F.R. § 1.313(c)(1) TO
WITHDRAW APPLICATION FROM ISSUE
AFTER PAYMENT OF THE ISSUE FEE, AND
AMENDMENT

Applicant: Gust H. Bardy et al.
Serial No.: 09/940,599
Filed: August 27, 2001
Group Art Unit: 3762
Our Ref. No.: 1201.1114101
Confirmation No.: 2599
Customer No.: 28075

Please charge Deposit Account No. 50-0413 in the amount of \$130.00, Fee Code 1460.

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 
Name: J. Scot Wickhem
Reg. No. 41,376

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Name: Kathleen L. Boekley

October 26, 2004
Date

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.